

Phillip H. Stanfield, Bar #011729
David L. Stout, Jr., Bar #024857
Paul G. Davis, Bar #036524
JONES, SKELTON & HOCHULI P.L.C.
40 N. Central Avenue, Suite 2700
Phoenix, Arizona 85004
Telephone: (602) 263-1745
Fax: (602) 200-7877
pstanfield@jshfirm.com
dstout@jshfirm.com
pdavis@jshfirm.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Gerado Ayala, individually,

Plaintiff,

v.

Nathanael Young and Jane Doe Young,
individually and as husband and wife;
U.S. Xpress, Inc., a Nevada company;
John Does I-X and Jane Does I-X,
individually and/or as husband and wife;
Black Corporations I-X; and White
Limited Partnerships I-X,

Defendants.

No. TBD

NOTICE OF REMOVAL

U.S. Xpress, Inc. (“U.S. Xpress”) and Nathanael Young (collectively, “Removing Defendants”), by and through undersigned counsel, hereby file the following Notice of Removal of this action, currently pending in the Superior Court of the State of Arizona, County of Maricopa, Case No. CV2022003220 to the United States District Court for the District of Arizona, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. As grounds for removal, Removing Defendants state as follows:

PROCEDURAL HISTORY

1. The above-captioned case commenced when Plaintiff, Gerado Ayala, filed a Complaint in Superior Court in and for Maricopa County, on March 15, 2022 (the

1 “Complaint”). *See* Complaint, along with complete copy of Superior Court file, attached
2 as Exhibit 1.

3 2. U.S. Xpress was served with process through its statutory agent on
4 June 6, 2022. Young was served with process on June 10, 2022.

5 3. A responsive pleading on Removing Defendants’ behalf has not yet
6 been filed.

7 **TIMELINESS OF REMOVAL**

8 4. Under 28 U.S.C. § 1446(b)(1), a notice of removal shall be filed
9 within thirty (30) days after the receipt by the defendants, through service or otherwise, of
10 a copy of the initial pleading setting forth the claim for relief upon which such action or
11 proceeding is based.

12 5. This Notice of Removal is filed within thirty (30) days after the
13 Complaint was received by Removing Defendants and, therefore, is timely. *See* 28 U.S.C.
14 § 1446(b)(1).

15 6. A Notice of Filing Notice of Removal is being filed with the Superior
16 Court in and for Maricopa County. *See* Notice of Filing Notice of Removal (exclusive of
17 exhibits), attached as Exhibit 2.

18 **BASIS OF REMOVAL**

19 7. This Court has original jurisdiction over this action pursuant to 28
20 U.S.C. § 1332 because the amount in controversy exceeds \$75,000.00 and there is complete
21 diversity of citizenship. *See* 28 U.S.C. § 1332(a).

22 8. Plaintiff claims personal injuries as a result of Defendant’s alleged
23 liability. While the Complaint does not assert a specific amount of medical specials, it
24 alleges harm in an amount qualifying this matter as a Tier 2 case pursuant to Rule 26.2(b)
25 Ariz. R. Civ. Pro, meaning the damages are in excess of \$50,000. Moreover, Plaintiff has
26 already disclosed \$58,610.35 in medical expenses, that he was still treating with three
27 medical providers, and that he was scheduled for additional eye surgeries. Accordingly, the
28 amount in controversy exceeds \$75,000.

1 9. According to the Complaint, Plaintiff resides in Maricopa County,
2 Arizona, where he presumably intends to remain. He is thus considered a citizen of
3 Arizona.

4 10. Removing Defendant U.S. Xpress is incorporated in Carson City,
5 Nevada, and has a principal place of business in Chattanooga, Tennessee. It is thus
6 considered a citizen of Nevada and Tennessee.

7 11. Removing Defendant Nathanael Young resides in Leon County,
8 Texas, where he intends to remain. He is thus considered a citizen of Texas.

9 15. Pursuant to 28 U.S.C. § 1446(b)(2)(A), all defendants “who have been
10 properly joined and served must join in or consent to the removal of the action” for all
11 actions removed based on diversity of citizenship. This is satisfied as both Defendant U.S.
12 Xpress and Defendant Nathanael Young are filing this Notice of Removal.

13 **WHEREFORE**, Removing Defendants request that the above action now
14 pending in the Superior Court in and for Maricopa County be removed to this Court.

15 DATED this 27th day of June, 2022.

16 JONES, SKELTON & HOCHULI, P.L.C.

17
18 By s/Paul G. Davis
19 Phillip H. Stanfield
20 David L. Stout, Jr.
21 Paul G. Davis
22 40 N. Central Avenue, Suite 2700
23 Phoenix, Arizona 85004
24 Attorneys for Defendants
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of June, 2022, I caused the foregoing document to be filed electronically with the Clerk of Court through the CM/ECF System for filing; and served on counsel of record via the Court's CM/ECF system.

Chad Schatz, Esq.
LERNER & ROWE, P.C.
2701 E. Camelback Road, Suite 140
Phoenix, Arizona 85016
Attorney for Plaintiff

s/Kadie G. Lewis